

OCT 17 2016



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX – PACIFIC SOUTHWEST REGION
75 Hawthorne Street
San Francisco, CA 94105-3901

VIA CERTIFIED MAIL
No. 7015-3010-0000-3883-2740
RETURN RECEIPT REQUESTED

Douglas Dean
General Manager
South Pacific Petroleum Corporation
816 North Marine Corps, Eva Building
Tamuning, Guam 96913

RE: Request for Information under Clean Water Act Section 308(a) – South Pacific Petroleum Corporation, EPA Docket No. CWA-308-9-17-001

Dear Mr. Dean:

Based on our records, the U.S. Environmental Protection Agency, Region IX (“EPA”) did not receive discharge monitoring reports (“DMRs”) from the South Pacific Petroleum Corporation (“SPPC”). The National Pollutant Discharge Elimination System Permit, GU0020079, (“NPDES Permit”) requires SPPC to submit DMRs to report effluent monitoring results to EPA. From the effective start date of the NPDES Permit, July 1 2012, through June 30th 2014, EPA did not receive the required monthly DMRs for SPPC.

Further, SPPC exceeded its Maximum Allowable Discharge Limit for benzene in August and September of 2014. Per the NPDES Permit, SPPC is required to submit a written description of the noncompliance, the period of noncompliance, its cause, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, as described in Permit Part III.C. The NPDES program operates through discharger self-reporting. Therefore, proper discharge monitoring and reporting is a central tenet to ensuring compliance and elimination of hazards to public health and the environment.

The attached Request for Information will help EPA assess SPPC’s compliance with the NPDES Permit. This Request for Information encompasses the monitoring and reporting requirements of the NPDES Permit and covers the time period of July 2012 to the present. Pursuant to the Agency’s information-gathering authority under Section 308 of the Clean Water Act (“CWA”), 33 U.S.C. § 1318, EPA hereby requests that SPPC provide the information specified in the attached Request for Information, Attachment 1, **by November 30th 2016.**

Please send your response by certified mail, return receipt requested, to the following addresses:

Michael Weiss
U.S. Environmental Protection Agency, Region IX
Enforcement Division (ENF 3-1)
75 Hawthorne Street
San Francisco, CA 94105
weiss.michael@epa.gov

and

Maricar Quezon
Guam EPA
PO Box 22439
Barrigada, Guam 96923
Maricar.Quezon@epa.guam.gov

All submittals in response to this letter must be accompanied by the following certification signed by a responsible officer in accordance with 40 C.F.R. § 122.22:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

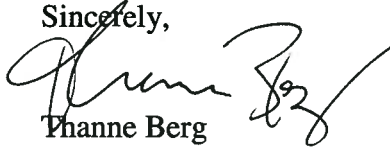
SPPC may not withhold from EPA any information on the grounds that it is confidential business information. However, EPA has promulgated, under 40 C.F.R. Part 2, Subpart B, regulations to protect confidential business information it receives. A legally supportable claim of business confidentiality may be asserted in the manner specified by 40 C.F.R. § 2.203(b) for all or part of the information requested by EPA. EPA will disclose business information covered by such claim only as authorized by 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies the information at the time EPA receives it, EPA may make it available to the public without further notice.

Failure to comply with this Request for Information can result in enforcement action for appropriate remedy, including penalties, under Section 309 of the CWA, 33 U.S.C. § 1319. Compliance with this Request for Information does not relieve SPPC of its obligation to comply with the CWA or other applicable laws and permits.

The Request for Information is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is directed to fewer than ten persons and is therefore not a “collection of information” under 44 U.S.C. § 3502(3). It is also an exempt activity under 44 U.S.C. § 3518(c) and 5 C.F.R. § 1320.4.

Thank you for your cooperation and prompt attention to this letter as it is a matter of public health and protection of vital environmental resources. If you have any questions regarding this Request for Information, please contact Michael Weiss of the Enforcement Division at 415-947-4570 or weiss.michael@epa.gov. Please direct legal questions regarding this Request for Information to Desean Garnett of the Office of Regional Counsel at 415-972-3046 or garnett.desean@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thanne Berg', with a stylized flourish at the end.

Thanne Berg

Acting Assistant Director, Water & Pesticides Branch
Enforcement Division

Enclosure

cc (via email): Yvette Cruz, Acting Administrator, Guam EPA

ATTACHMENT 1: Request for Information, EPA Docket No. CWA-308-9-17-001

Under the authority of Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), the United States Environmental Protection Agency, Region IX (“EPA”) requires South Pacific Petroleum Corporation (“SPPC”) to provide to EPA the information described below (“Request for Information”) for its Cabras Island petroleum storage. This Request for Information in no way alters or relieves SPPC of other legal responsibilities or restrictions imposed on operations at the facility at the federal, territory, or local government level.

DEFINITIONS

The following terms shall have the following definitions for this Request for Information:

1. “Document” means all written, recorded, computer generated, or visually or aurally reproduced materials of any kind in any medium in your possession, custody or control or known by you to exist, including all originals, drafts and non-identical copies. The term includes, without limitation, all reports, studies, surveys, plans, transcripts, permits, licenses, deeds, maps, drawings, schematics, specifications, instructions, calculations, monitoring data, rental records, contracts, agreements, bid documents, purchase orders, work orders, invoices, payment records, spreadsheets, communication records, correspondence, notes, memoranda, photographs, and videos.
2. “NPDES Permit” means the National Pollutant Discharge Elimination System Permit, GU0020079.

REQUEST FOR INFORMATION

Please provide the following documents, information, and communications. If no such document, information, and/or communication exist, then so state explicitly.

1. By November 30th 2016, SPPC shall provide monthly Discharge Monitoring Reports (“DMRs”), as required by NPDES Permit Part I.E.7, which were omitted from July 1 2012, through June 30th 2014. The monitoring results shall be reported on EPA Form 3320-1, a pre-printed DMR form. For each DMR, SPPC shall indicate the date that it completed the DMR. If the DMR was sent to EPA prior to receipt of this Request, SPPC shall provide evidence of when and how the DMR was sent to EPA.
2. By November 30th 2016, SPPC shall provide records for effluent monitoring conducted at Outfalls 001 and 002, required by NPDES Permit Parts I.A and III.C, which were omitted July 1 2012, through June 30th 2014. Records were required by NPDES Permit Parts I.E and Attachment A.

3. If SPPC cannot produce DMRs or effluent monitoring data as requested by subparagraphs 1 and 2 above, SPPC shall submit the following by November 30th 2016:
 - a. A list of dates that SPPC discharged process wastewater from tank bottom water draws, ship to shore transference spills, and/or stormwater from the storage tank farm area to Apra Harbor (Outfall 001) and/or from the tank truck loading area to Apra Harbor (Outfall 002) from July 1 2012, through June 30th 2014; and
 - b. For each day of discharge from Outfalls 001 and/or 002 from July 1 2012 through June 30th 2014, a description of the discharge through each outfall by providing (a) volume, (b) frequency (e.g., intermittent, continuous), and (c) content (e.g., process wastewater from tank bottom water draws, ship to shore transference spills, and/or stormwater).
4. Provide a copy of the Quality Assurance (QA) Manual as required by Permit Part I.E.3-4 for EPA review. If SPPC has completed a QA Manual, then SPPC shall indicate the date that it was completed.
5. Provide a copy of the most recent version of the Pollution Prevention Plan as required by Permit Part IV along with any attachments referenced in the Plan. If an earlier version of the Pollution Prevention Plan was sent to EPA prior to receipt of this Request, SPPC shall provide evidence of when and how the Plan was sent to EPA.
6. Provide photo documentation of the discharged effluent as required by Permit Part 1.F. The photos should document the effluent as it enters Apra Harbor and must be of suitable quality to adequately assess visible sheening, discoloration, and turbidity of the receiving water, as a result of the discharge. Each photo must be labeled with the outfall number, date and time and be attached to the respective monthly DMR. If the photo documentation was sent to EPA prior to receipt of this Request, SPPC shall provide evidence of when and how the written submission was sent to EPA.
7. Provide a written description of the benzene exceedances from August and September 2014 as described by Permit Part III.C and in accordance with 40 CFR 122.41(l)(6)(i), (ii), and (iii). The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. If the written submission was sent to EPA prior to receipt of this Request, SPPC shall provide evidence of when and how the written submission was sent to EPA.